

ATTACHMENT A

Remarks

The interview with Examiner Ellington and Primary Examiner Noori held at the Patent & Trademark Office on February 11, 2004, is gratefully acknowledged. The courtesy and cooperative spirit shown by the Examiners during the interview as much appreciated. The interview centered around the rejection on prior art. In addition, the objection to the drawings was discussed and the undersigned stated that the specification would be amended to overcome this objection. The substance of the discussion at the interview is incorporated in the remarks which follow. It is further noted that subsequent to the personal interview a telephonic interview was held with Examiner Ellington wherein a further reference, U.S. Patent No. 3,664,272 to Sanders, was brought to the attention of the undersigned. This reference was discussed in a further telephonic interview with Examiner Ellington and this discussion is also incorporated in the remarks which follow.

The drawings have been objected to under 37 CFR 1.83(a). The objection here concerns the "channels" recited in claims 12 and 13. It is respectfully submitted that these channels are in fact shown in the drawing and correspond to the areas between the first and second angled portions of the legs 16 of V-shaped cross section. The specification has been amended to state the following: "These angled portions form a channel therebetween." With this addition, it is respectfully submitted that the objection to the drawings can properly be withdrawn.

Claims 1, 2, 7, 8, 12-14, 18 and 19 have been rejected under 35 USC 102(e) as being "anticipated by Addink et al." Claims 5 and 21 have been separately rejected under 35 USC 103, as has claim 15. Both of the latter rejections use the Addink et al patent as the primary reference. All of these rejections are respectfully traversed.

The Addink et al patent discloses a curved water collector for an irrigation system which includes four generally triangular shaped legs. The legs are equally spaced around the lower peripheral surface of the cone-shaped collector body and the legs generally come to a point at the bottom of the collector. Although it would be possible to stack one of the collectors of the Addink patent on another, the legs of the first collector would simply nest within the conical body portion of the other collector and there would

be no interaction whatsoever between the legs of the two stacked collectors. In other words, the bottom portion of one collector including the legs would be wholly received within the conical body portion of the other collector.

Claim 1 recites, inter alia, that the cup and the legs of the device of the present invention are of a shape permitting stacking of the device on a further said device such that the cup of the device is disposed in the corresponding cup of the further said device and the legs of the device are disposed on the corresponding legs of the further said device. The limitation with respect to "the legs of the device being disposed on the corresponding legs of the further said device" clearly distinguishes over the Addink et al patent wherein, as discussed above, there would be no stacking or any other cooperation whatsoever between the legs of two collectors if one attempted to stack two such collectors, i.e., the legs of the first device would not be disposed on the corresponding legs of the further device but would be wholly received within the conical cup portion thereof.

With respect to the newly cited Sanders patent, which relates to "stackable pallet constructions," the pallet disclosed therein comprises a plurality of legs each of a hollow cup-shaped configuration. The legs stack on the legs of the other pallets in the manner of simple cups, as is indicated, for example, in Figure 5. Thus, there is no disclosure of a measuring cup device wherein the cup of the device is disposed on the corresponding cup of a further said device when stacked thereon and the legs of the device are disposed on the corresponding legs of the further device.

Claim 12, the only other independent claim that has been rejected sets forth corresponding features and thus distinguishes over the Addink et al patent and the Sanders patent for similar reasons. Claim 12 also provides that the channels of the legs of said device are received in corresponding channels of the further said device when the device is stacked on a further said device. It is respectfully submitted that it is quite clear that there is no provision of such channels in either the Addink et al patent or the Sanders patent. Thus, claim 12 patentably defines over the prior art for this reason as well.

Allowance of the application in its present form is respectfully solicited.